



## Guyana

### Country Reports on Human Rights Practices - [2001](#)

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The Co-operative Republic of Guyana has a multiparty political system based on proportional representation. Citizens elect an executive president and a 65-member unicameral parliament. The President appoints a prime minister and a cabinet. In March citizens voted in a generally free and fair national election to reelect the People's Progressive Party (PPP) and its Civic (C) partner. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. Social unrest and occasional violence marred the postelection period, with the main opposition party alleging that election procedures violated the Constitution; international observers considered these charges to be unfounded. The judiciary, although constitutionally independent, is inefficient and often appears subject to government influence.

The Guyana Defence Force (GDF) and the Guyana Police Force (GPF) are under effective civilian control. The GDF is a professional military responsible for national defense, internal security, and emergency response. The GPF, which includes a Target Special Squad (TSS) that has some paramilitary training, has the authority to make arrests and is responsible for maintaining law and order throughout the country. Some members of the police force committed human rights abuses.

The country has a population of approximately 700,000. The economy, which for years was controlled under a system of central planning, is based on a mix of private and state enterprises. Rice, sugar, bauxite, gold, shrimp, and timber are the major exports. There are severe shortages of skilled labor, and the economy is constrained by an inadequate and poorly maintained infrastructure for transportation, power distribution, flood control, and communications. The economy continued to decline, following negative real economic growth unofficially estimated at -0.58 percent in 2000. Per capita gross domestic product is estimated at \$852, and a 1999 U.N. Development Program living conditions survey showed that 35 percent of the population live in poverty; 21 percent are extremely poor.

The Government generally respected the human rights of its citizens; however, serious problems remain in several areas. The police continued to commit extrajudicial killings, and police abuse of suspects continued to be a problem. The authorities took some steps to investigate abuses, but in general, the police continued to commit abuses with impunity. Prison conditions remain poor, and lengthy pretrial detention remains a problem. The inefficient judicial system results in long delays in trials. Police infringed on citizens' privacy rights. The authorities filed charges of sedition against two television program hosts. Violence against women and children, societal discrimination against women and indigenous Amerindians, and incidents of discrimination stemming from the racial tensions between Indo-Guyanese and Afro-Guyanese are problems, as is child labor in the informal sector.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

The police continued to commit extrajudicial killings. The Guyana Human Rights Association (GHRA) reported that the police killed 15 civilians through September, compared with 13 in all of 2000. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed. Public investigations rarely are conducted into such killings; in general police abuses are committed with impunity.

On April 9, Donna McKinnon was killed when shots were fired into a crowd gathered on the streets of Georgetown to watch a fire burn in a shopping district. The likely arson-initiated fire occurred during an opposition political protest march. McKinnon's body was found near Freedom House, the headquarters of the PPP, where witnesses claimed the shots originated. TSS officers also fired shots to disperse the crowd. On June 21, a judge ordered an inquiry into McKinnon's death. At year's end, the GPF stated that its investigation had not generated any leads, and that the family was unwilling to have the body exhumed.

On May 10, police shot and killed Junior "Drakes" Stanton in a guesthouse in Georgetown while attempting to arrest him on armed robbery charges. Witnesses said that an unarmed and groggy Stanton unlocked the door and had his hands raised above his head. Police reportedly fired two shots, fatally wounding Stanton in the chest and side.

On May 12, police shot and killed Devon "Buckman" Gonsalves while attempting to arrest him for two murders and a series of robberies. TSS officers followed Gonsalves to the yard where he was hiding and confronted him. Gonsalves was said to have sustained multiple gunshot wounds to the chest and stomach. The GHRA received information that Gonsalves was unarmed.

On June 4, police shot and killed Shamshudeen "Spoon" Mohammed during a demonstration at the Albion Police Station in Berbice in which several thousand residents protested police inaction. During the demonstration, Shamshudeen and three others were wounded when police fired gunshots into the crowd of protesters, who reportedly were stoning and attempting to set the police station on fire with Molotov cocktails. Shamshudeen and the others were taken to a New Amsterdam hospital, where Shamshudeen later died.

On June 8, Rocky Anthony Brunoanish died in the Aurora Police Station lockup. An autopsy revealed that he died of a fractured skull and hemorrhaging from a severe beating. Prior to his death, Brunoanish reportedly asked for medical attention to no avail.

On June 9, Colin "Sadist" Cummerbatch was shot and killed in his home when police attempted to arrest him for a series of armed robberies.

On July 26, members of the TSS shot and killed three men--John Bruce, Steve Grant, and Adisena Houston--on Mandela Avenue. Accounts of the event conflicted; the police reported that the three men exited a car and fired at the officers, who then returned fire. However, eyewitnesses stated that the police forced the men out of the car at gunpoint and shot them execution-style after officers found a pistol while body-searching one of the suspects.

On August 14, Azad Bacchus, his son Shaazad Bacchus, and nephew Fadil Ally were killed in the early morning during a confrontation with members of the Berbice Anti-Smuggling Squad (BASS) following events that included a civilian raid on the Skeldon hospital. Postmortem examinations conducted on the bodies by a government pathologist revealed that bullet wounds were the cause of death. It originally was thought that neither of the two youths had sustained gunshot wounds but had been beaten to death. The family of the deceased received permission for an overseas pathologist to do a second post-mortem examination, which was conducted in August and reportedly confirmed that the three men died of gunshot wounds. At year's end, an inquest was pending.

The BASS confrontation with Azad Bacchus, Shaazad Bacchus, and Fadil Ally triggered 3 days of protests, and on August 16, BASS personnel, confined to their office, started to shoot when demonstrators attacked the BASS office in the Corentyne. Two men, Stephen Angel and Sais Ghani, were shot and killed. In November Angel's family requested that the High Court order a police investigation and an inquest; at year's end, no further information was available.

An inquest was conducted in the case of Mohammed Shafeek, who died in the Brickdam police lockup in September 2000. Although initial police reports had indicated that Shafeek might have been beaten by other prisoners, an investigation revealed that Shafeek was beaten by the Venezuelan crew of a ship that had since left the country, and that the police had arrested him for disorderly conduct. The Police Commissioner stated that Shafeek should have been hospitalized instead of being placed in a prison cell, that procedures would be instituted in the future to ensure that injured prisoners were hospitalized, and that disciplinary action would be taken against police officers involved. In February a witness testified that "two policemen held him (Shafeek) by his hands and feet and threw him against a concrete wall in the lockup." The witness was rearrested 2 weeks after being released, and he said that during this incarceration, TSS officers held a gun to his head and threatened to kill him if he spoke about Shafeek's death. In March the inquest was postponed due to problems in jury member attendance. On November 27, the inquest jury unanimously ruled that the GPF should be held criminally responsible for Shafeek's death; at year's end, the police had filed a challenge against the inquest ruling.

In most of the extrajudicial killings by police in previous years, including the police shootings of Fazal Narine and Colin McGregor in 1999, there were no new developments.

At a June 12 press conference, People's National Congress/Reform (PNC/R) leader Desmond Hoyte called for public inquiry into the operations of the GPF. He accused the TSS of killing more than 100 men in the last 8 years and called for the dismissal of Police Commissioner Laurie Lewis. Lewis retired in September. Hoyte claimed that nearly all of the extrajudicial killings during the past 8 years remain uninvestigated, and accused the TSS of operating under political protection.

On June 14, the PNC/R submitted a motion to the Speaker of the National Assembly calling on President Jagdeo to establish a Commission of Inquiry into the operations of the GPF. The motion criticizes police for involvement in extrajudicial killings and brutality, as well as the impunity with which these alleged offenses are committed. By year's end, the motion had not been placed on Parliament's agenda.

On June 12, the GHRA issued a press statement strongly criticizing the increase in extrajudicial killings and calling for a National Oversight Committee to implement a national security policy. It stated that the GPF is overwhelmed by criminal and politically induced lawlessness. According to the GHRA, eight extrajudicial killings took place during the 2 months after the national elections, and the GHRA recommended investigations into the coincidence of periods of high levels of political lawlessness and such killings.

In June Parliament passed a constitutional amendment that provides that a Disciplined Forces Commission may be established, which could serve to address the allegations of extrajudicial killings and brutality by police.

In March 2000, the U.N. Human Rights Committee made 22 recommendations to the Government, including a call for prompt investigation by an impartial body of extrajudicial killings and excessive use of force. It also called for measures to ensure the prosecution of offenders and to provide effective remedies to victims. The Committee recommended that all law enforcement officials receive thorough training in international human rights standards. The GPF invited the GHRA to participate in a training session for new recruits to address human rights issues on one occasion during the year.

Many justice authorities and human rights activists say that due to rising crime and pressure from urban businesses, which are often the targets of criminals, the Government has taken a lax attitude toward investigation of alleged police abuses.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading

##### Treatment or Punishment

The Constitution prohibits torture; however, police continued to abuse suspects. From 1995 to 1997, the GHRA received an average of 20 complaints per year from victims who had been beaten by police while in custody. The GHRA still considers mistreatment of prisoners by prison officers a problem. Moreover, inmates, attorneys, and judicial authorities provided credible evidence that police and correctional officers frequently ignored the actions of other inmates who beat, robbed, or otherwise mistreated "problematic" prisoners.

On June 8, Rocky Anthony Brunoanish died in the Aurora Police Station lockup, 3 days after he was arrested (see Section 1.a.). An autopsy attributed the death to a severe beating.

The Police Complaints Authority (PCA) is composed of five members who investigate complaints against police officers. The law provides for the independence of the PCA; however, most members are themselves members of the criminal justice system, and the PCA is not truly independent. The PCA received 32 complaints through September (compared with 69 in all of 2000); it completed investigation of 15 of them, and sent them to the Police Commissioner for action. However, there is no information publicly available on the status of these investigations. The PCA has not submitted an annual report since 1995. Even when police officers do face charges, most of the cases are heard by lower magistrate courts, where other specially trained police officers serve as the prosecutors (see Section 1.e.). Human rights monitors question officers' commitment to prosecuting their own colleagues.

The Office of Professional Responsibility (OPR) investigates complaints against police. As of 2000, at least 99

cases had resulted in some type of disciplinary action being taken against police officers. The OPR did not release any information on how many cases it received during the year, how many it completed action on, and how many were awaiting instructions from the Department of Public Prosecutions (DPP).

Prison and jail conditions were poor, especially in police holding cells. Georgetown's Camp Street Prison, the country's largest, is extremely overcrowded. In July a prison officer reported that there were 815 inmates in facility, a decrease from between 900 and 1,100 prisoners in 2000. According to prison officials, the facility is intended to hold 500 inmates; however, the GHRA states that the Camp Street Prison initially was designed to hold 350 inmates. Conditions in the country's four smaller prisons generally are adequate. The GHRA continues to advocate improved health care in the prison system. In addition to overcrowding and a lack of medical personnel, poor staff morale is a serious problem within the prison system. Prison staffers are poorly paid, and their salaries and benefits are insufficient to compensate for the on-the-job risks; however, they have made efforts to improve conditions for prisoners. Prison officials lobbied the Government for increased funding to improve prison conditions; they also encouraged efforts by local and international nongovernmental organizations (NGO's) to improve physical and sanitary conditions.

On July 6, members of a United Kingdom Prison Reform Team recommended that a high level Commission on Criminal Justice be established to address the problems within the prison system. The team spent 18 months reviewing the Prison Service and found the major problems to be overcrowding, poor conditions for prisoners and staff, perceived infringement of basic human rights, minimal rehabilitation, and high cost to taxpayers. The most immediate concern of the team was overcrowding, which was attributed in large part to the lack of alternatives to imprisonment. The team found that more than 80 percent of prisoners were serving time for minor offenses with sentences of only 1 to 3 months.

In October 2000, the GHRA criticized prison authorities for the death of Michael Ramcharran at the hands of another inmate, which the GHRA said was the direct result of overcrowding at the Camp Street Prison. To reduce overcrowding, the GHRA called on the judiciary to consider alternate sentencing for minor offenses, rejuvenation of the Parole Board, and the release of ill prisoners who have completed almost all of their sentences. However, the Government did not adopt any of these recommendations. Since then the Parole Board has become more active, but continued to be reluctant to release prisoners due to insufficient post-release resources, including a lack of probationary staff.

The GHRA noted that protest actions on the roof of the central prison decreased from the previous year; although in July, 16 inmates were on the roof to protest poor prison conditions, police brutality, and lengthy delays in trials (see Sections 1.d. and 1.e.).

Although sanitary and medical conditions in police station temporary holding facilities vary, in almost all cases these conditions are worse than those in the prisons. Some such jails are bare, overcrowded, and damp. Few have beds, washbasins, furniture, or utensils. Meals are normally unavailable; friends and relatives must bring detainees food and water. Cells rarely have sanitary facilities, and inmates sometimes are escorted by staff members outside the cells to use holes in the floor for toilets. Inmates generally sleep on a thin pallet on the concrete floor. The Brickdam lockup in Georgetown has poor sanitation and dangerous conditions. One cell without plumbing or other facilities typically holds up to 30 detainees and often is the site of violence between inmates. Although precinct jails are intended to serve only as pretrial holding areas, some suspects have been detained there as long as 4 years, waiting for the overburdened judicial system to act on their cases.

Conditions were generally adequate in the only women's prison, which is at New Amsterdam, in a facility that holds men and women in separate dormitory-type buildings. There are a number of vocational and educational courses, and a program of regular visits by a psychiatrist who provides counseling for female inmates has begun. The GHRA has urged that female inmates' responsibility for children should be recognized in terms of length of sentence and facilities for family contact. The East La Penitence police jail, where female prisoners are held until sentencing, was upgraded in 2000; sanitation improved, and piped water is provided for the inmates.

Following widespread criticism caused by the detention in 1999 of two boys (ages 8 and 11) with adult prisoners who mistreated them, police have been careful to place juvenile offenders in a fairly adequate separate facility. The Ruimveldt police station was the only facility holding juveniles between ages 14 and 17 years.

Prison officials were receptive to local and international NGO requests to enter and inspect prison facilities. The GHRA participates as a member of the prisons' visiting committee, which investigates prisoner complaints, inspects diets, reviews primary medical care services, and provides recommendations to prison authorities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that no person may be deprived of personal liberty except as authorized by law and requires judicial determination of the legality of detention, a mandate that the authorities generally respected in practice.

Arrest does not require a warrant issued by a court official. Police may arrest without a warrant when an officer witnesses a crime or at the officer's discretion in instances where there is good cause to suspect that a crime or a breach of the peace has been or will be committed. The law requires that a person arrested and held for more than 24 hours be brought before a court to be charged. Bail is generally available, except in capital offense cases. In narcotics cases, magistrates have limited discretion in granting bail before trial and must remand persons convicted of such crimes into custody, even if an appeal is pending.

Lengthy pretrial detention remains a problem. The GHRA has asserted that prisoners are detained for as many as 3 or 4 years while awaiting trial; however, the authorities denied that delays were this long. During the year, prisoners protested lengthy trial delays (see Section 1.c.).

The Constitution prohibits forced exile, and it is not used.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, law enforcement officials and prominent lawyers questioned the independence of the judiciary and accused the Government of intervening in certain criminal and civil cases. In most human rights cases, the Government generally respects the independence of the judiciary.

The court system is composed of a high court (the Supreme Court of Judicature), an appeals court, and a system of magistrate courts. Magistrates are members of the civil service and are trained lawyers. The magistrate courts deal with both criminal and civil matters, and specially trained police officers serve as prosecutors in lower magistrate courts. The Ministry of Legal Affairs, headed by the Attorney General, is the principal legal advisor to the State. The Director of Public Prosecution is statutorily independent and can file legal charges against offenders. The Constitution provides that anyone charged with a criminal offense has the right to a hearing by a court of law. This right generally is respected in practice.

Delays in judicial proceedings are caused by shortages of trained court personnel and magistrates, inadequate resources, postponements at the request of the defense or prosecution, occasional alleged acts of bribery, poor tracking of cases, and the slowness of police in preparing cases for trial. There were reports that police who serve as prosecutors in lower magistrate courts are reluctant to prosecute police accused of abuses (see Section 1.a.). There were allegations that police threatened a witness (see Sections 1.a. and 1.c.). The inefficiency of the judicial system undermines due process. Lengthy pretrial detention remains a problem (see Section 1.d.). In March 2000, the U.N. Human Rights Committee called on the Government to recruit competent part-time and temporary judges in order to deal with the backlog of cases. In September 2000, four additional judges were sworn in.

On June 21, Members of Parliament voted to amend the Constitution, incorporating a number of recommendations from the Constitution Reform Commission. Intended to strengthen the judiciary, the changes remove from executive control the appointment of judges and members of the Judicial Service Commission (JSC) from executive control, as well as the ability to extend the tenure of judges beyond the age of retirement. In addition, the bill grants the JSC power to appoint the Director and Deputy Director of Public Prosecutions, the Registrar and Deputy Registrar of the High Court, and the Registrar and Deputy Registrar of Deeds. The amendments also allow the President, on the advice of the JSC, to make temporary appointments of judges to sit in magistrate courts and the High Court. The number of appointments is to depend on the outcome of an audit of pending cases.

Defendants are granted public trials, and appeals may be made to higher courts. Defendants are presumed innocent until found guilty. Cases in magistrate's courts are tried without jury; more serious cases are tried by jury in the High Court. Appeals of some murder cases may go on for several years. Trial postponements are granted routinely to both the defense and the prosecution. Programs designed to improve legal structures, reform judicial procedures, upgrade technical capabilities, and improve efficiency of the courts have had only a limited effect, and judicial staff still need further training in all areas. Although the law recognizes the right to legal counsel, in practice, with the exception of cases involving capital crimes, it has been limited to those who can afford to pay. There is no public defender system.

The Georgetown Legal Aid Clinic, with public and private support, provides advice to persons who cannot afford a lawyer, with a special interest in cases of violence against women and criminal cases related to civil

cases in such matters (for example, assault as part of a divorce case). Defendants in murder cases who need a lawyer are assigned an attorney by the court. The Guyana Association of Women Lawyers provides free legal services for civil cases only.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right of privacy; however, the authorities often infringed on citizens' privacy. Law enforcement officials must obtain warrants before searching private homes or properties. Although the authorities generally respected these requirements, there were numerous reports of police officers searching homes without warrants, particularly in neighborhoods where narcotics trafficking is a problem.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Citizens openly criticize the Government and its policies.

The independent Stabroek News publishes daily, and a wide range of religious groups, political parties, and journalists publish a variety of privately owned weekly newspapers. The Government's daily newspaper, the Guyana Chronicle, covers a broad spectrum of political and nongovernmental groups. However, throughout the year, the Chronicle typically displayed a clear antiopposition bias.

While printed media flourished, a growing number of journalists charged the Government with failure to respect freedom of the electronic media. The Government owns and operates the country's sole radio station, which broadcasts on three frequencies. There are no private radio stations, and private interests continued to allege that the Government either denied or failed to respond to more than 20 requests for radio frequency authorizations. The Government maintained that it was unable to grant frequencies to private stations because there was no legislation governing their allocation. However, despite a similar lack of legislation to govern television frequencies, there are 12 independent television stations in addition to the government station.

In early March, the GHRA called on the media to set in place more effective forms of self-regulation and stated that without effective intervention from within or without, the misuse of television broadcasts would expand with negative consequences for society. The GHRA statement came during the election campaign when a number of television commentators made inflammatory comments that exacerbated political and racial tensions. The international donor community, which assisted with technical advice and some funding, urged the media before the elections to adopt a voluntary code of conduct to curb such excesses, but no such action was taken.

On May 14, the police arrested Ronald Waddell, opposition candidate and host of television program "University on 9," on two counts of sedition for inflammatory statements on the air.

On May 16, the police arrested Mark Benschop, host of television program "Straight Up," and charged him with sedition and incitement to commit murder. Police alleged that Benschop incited officers to murder the Police Commissioner by stating, "I am calling on all police officers to turn your weapons on Laurie Lewis."

The trials of both Waddell and Benschop were postponed; the DPP requested additional time to appoint a prosecutor. When the cases were brought to trial, the trial judge dismissed both cases.

A representative of Human Rights Watch criticized the arrests of the television hosts, asserting that this action violated freedom of press and speech. However, members of the press, including the Stabroek News, supported the charges.

On May 23, Prime Minister Samuel Hinds announced that the Government no longer would tolerate unregulated broadcasting, and that all television stations would be required to adhere to existing legislation and obtain an official license. The existing laws--the Post and Telegraph Act and Wireless Telegraphy Regulations--are to remain in effect until a Commission on Broadcasting develops new broadcasting legislation. Conditions for obtaining a license include assurances that stations will not broadcast any program likely to offend the public, incite racial hatred or crime, or lead to public disorder. The opposition strongly criticized the announcement, stating that enforcement of the deficient existing legislation was an attempt to censor broadcasting that is critical of the Government. Despite the controversy, 22 stations applied for

broadcasting licenses, and the Government granted 15 licenses in December.

The Government does not restrict access to the Internet.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, the police occasionally used force against demonstrators. In June police shot and killed one protester, and wounded three others, during a demonstration at a police station in Berbice (see Section 1.a.). In times of political unrest, such as after the March national elections, police used force against demonstrators, but only under provocation. The Public Order Act requires police permits for mass political meetings. The Police Commissioner has the authority to refuse permission for a public meeting if he believes that it may provoke a breach of the peace. In cases of refusal, applicants may appeal to the Minister of Home Affairs, whose decision on the matter is final. After obtaining authorization, which generally is granted, political parties and other groups held public meetings and rallies throughout the country without hindrance.

The Constitution provides for freedom of association, and the Government generally respects this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

#### d. Freedom of Movement within the Country, Foreign

##### Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement within the country, and the Government generally respects this right in practice. Travel to Amerindian areas requires government permission, the result of a law dating from colonial times designed to protect indigenous people from exploitation. However, in practice most persons travel throughout these areas without regard to the formality of a permit. Citizens are free to travel abroad, to emigrate, and to return.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not have a formal policy on refugees or asylum and has not enacted model legislation prepared by the UNHCR. The issue of provision of first asylum did not arise.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens enjoy this right and exercised it in free and fair elections held in March. There is a multiparty political system based on proportional representation. Voters indirectly elect the President to a 5-year term of office. Any citizen 18 years or older may register to vote.

The party that wins the most votes for parliament wins the presidency. A party's presidential candidate must be announced in advance of the election. The President appoints a cabinet and a prime minister who, with the President, exercise executive power. Citizens are free to join or support political parties of their choice. Since the party in power controls Parliament, the legislature typically provides only a limited check on the executive's power. In November 2000, the National Assembly amended the Representation of the People Act and the Constitution to permit the election of 25 of the 65 deputies from regional constituencies. Voters elect the other 40 from a national slate of nominees chosen by the parties from different sectors of society.

In December 1997, citizens voted to return the PPP/C to office and elected Janet Jagan, widow of former president Cheddi Jagan, as President, defeating the PNC, which is the main opposition party. As a result of opposition charges of election fraud that international observers considered to be unfounded, the ruling party entered into an agreement brokered by officials from other CARICOM nations to hold new elections after 3 years instead of 5 years as required by the Constitution. In 1998 a court began hearing testimony in a civil suit

filed by the PNC in support of its allegation that the 1997 election was rigged. On January 15, Justice Claudette Singh ruled that, although irregularities took place, they were not sufficient to invalidate the election. However, on a side petition, she found that the 1997 national election was "vitiating" due to the use of voter identification cards, which were not provided for in the Constitution. On January 26, Justice Singh issued a ruling that allowed the incumbent Government to remain in office until the national election scheduled for March 19.

In 1999 Finance Minister Bharrat Jagdeo had succeeded to the presidency following the resignation of Janet Jagan for health reasons. The CARICOM-brokered agreement also called for constitutional reform of the electoral process. In December 2000, Parliament passed a Constitutional Amendment Act that imposed a 7-year residence requirement on candidates for the presidency and sets a limit of two terms. In addition, the act removed a clause that made the President immune from prosecution, and it limited to four the number of ministers who need not be elected Members of Parliament.

On March 19, citizens voted in a generally free and fair election to sustain the PPP/C in office, defeating the PNC. Incumbent Bharrat Jagdeo received his own mandate for a 5-year term as President. However, the opposition called for the courts to declare the election unconstitutional and illegal, which delayed Jagdeo's swearing in until March 31.

In response to allegations of an unconstitutional electoral process, the Guyana Elections Commission (GECOM) commissioned a review and audit of the March 19 election, conducted by an eight-member team headed by a representative of the Institute for Democracy and Electoral Assistance (IDEA). The team investigated voter registration, the production of identification cards, staffing of polling stations, operational and contingency planning, the counting of votes, and the declaration of election results. As part of the review, the team conducted detailed consultations with political parties, representatives of civil society, and members of GECOM between June 25 and 29. The results, published in mid-August, stated that IDEA was unable to find any evidence of deliberate manipulation or electoral fraud despite several procedural errors and system failures that the audit examined in some detail. The report found no evidence of a conspiracy or corruption to manipulate election systems or the election results, as the opposition had alleged.

Guyana is a racially divided society in which the political party structure reflects the polarization of the main ethnic groups. The two major parties (the PPP and the PNC) are formed largely by Indo-Guyanese and Afro-Guyanese, respectively.

There are no legal impediments to the participation of women or minorities in the political process, but the percentage of women and minorities in government and politics does not correspond to their percentage of the population. The December 2000 constitutional amendments also required that one-third of the parliamentary candidates be female. After the March elections, the 65-member Parliament included 20 women and 4 Amerindians, representing both major parties. The 20-person Cabinet includes 4 women, and the Chancellor of the Judiciary is a woman.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of

##### Human Rights

The authorities did not interfere with the activities of human rights groups. The GHRA, the most active local human rights group, functions without government interference. Trade unions, professional organizations, various ethnic groups, and churches participate in the GHRA. It issues periodic press releases and normally publishes an annual report on human rights. Members of the Government openly discussed human rights issues and made public statements in response to foreign and local human rights reports.

In June Parliament approved an act that provides for the establishment of the Guyana Human Rights Commission (HRC). The HRC is charged with promoting the observance and respect for rights outlined in the Constitution, and protecting and investigating violations of these rights and any other law relating to equality of opportunity and treatment. The HRC is comprised of a Chairperson and the four chairpersons of the Women's, Children, Indigenous, and Ethnic Relations Commissions in the Parliament. These commissions do not have a staff or any budget for operations. The GHRA issued a press release in response to the announcement of the newly established HRC, calling the Commissions Act a "lost opportunity," and criticizing the haste with which the act was developed and implemented. It further complained about the lack of members specifically charged with observing, protecting and investigating fundamental human rights and freedoms, and the lack of authority given the commission.

## Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides fundamental rights for all persons regardless of race, sex, religion, or national origin; however, the Government does not always enforce these provisions effectively.

### Women

Violence against women, including domestic violence, is widespread, and NGO's report that domestic violence crosses racial and socioeconomic lines. Despite efforts by NGO's and the DPP to sensitize police officers to domestic violence, the police often are hesitant to interfere in cases of domestic disputes. According to press reports, domestic violence resulted in the deaths of six women, four children, and one man between January and September, and the final number for the year was likely to be higher.

The Domestic Violence Act defines domestic violence, establishes it as a crime, and gives women the right to seek prompt protection. Magistrates may issue interim protection orders when a victim of abuse, a police officer, or a social worker fills out an application for protection. A magistrate then evaluates the case and decides whether to replace interim orders with permanent orders. The act allows victims to seek protection, occupation, or tenancy orders. Protection orders prohibit abusers from being anywhere that the applicant lives, works, visits, or attends school. If protective orders are violated, the abuser may be fined up to \$54 (G\$10,000) and imprisoned for up to 12 months. However, this legislation frequently was not enforced. Occupation orders allow the victim and any children to remain in a home previously shared with an abuser, while the abuser must leave. Similarly, tenancy orders require an abuser to leave a rented dwelling and to continue to pay some or all of the rent. The GHRA has criticized the structure of the Domestic Violence Act, stating that the law cannot be implemented until appointments have been made to the Women's Affairs Bureau. In addition, the GHRA reports that the forms needed to request court orders are printed infrequently and rarely available to the public.

In March 2000, the U.N. Human Rights Committee criticized the lack of information about the effect of the Domestic Violence Act in reducing the level of violence against women. The Committee called for training police and other law enforcement personnel in the importance of ensuring that women who are victims of violence are accorded equal protection and that preventive and punitive measures are enforced. The Government held 2-week training seminars for police officers to sensitize them to the issues and advise them about procedures. The officers who received training are to conduct outreach for their fellow officers.

Help and Shelter (H&S), the first local NGO dedicated to fighting domestic violence, focuses on societal reeducation in order to sensitize the public to domestic violence. By February H&S had counseled 3,872 persons since it began offering counseling services in November 1995. H&S reported that 74.5 percent of its cases involved spousal abuse.

Rape, particularly of girls and young women, is a serious problem but infrequently reported or prosecuted. Health professionals and NGO's also reported a high incidence of incest. Lawyers say that while more victims are reporting these crimes to the authorities, there still is a social stigma applied to the victim for doing so. An estimated 5 percent of cases reported to H&S were rape cases; the vast majority of these--80 percent--were reported by victims age 17 and under.

Prostitution is illegal; however, it does occur, and it received increased public attention due to the high incidence of HIV/AIDS among prostitutes.

There is no legal protection against sexual harassment in the workplace. The law prohibits dismissal on the grounds of pregnancy, and dismissal on such grounds does not occur in practice. The Women's Affairs Bureau of the Ministry of Labor monitors the legal rights of women. The Women's Leadership Institute, a collaborative effort between the Government and the UNDP, seeks through education and training to facilitate greater women's participation in government and the private sector. The center plans to train an average of 350 women annually on issues such as women's rights, status of women, violence against women, and leadership development. In September 100 women began the first phase of the program, which involves 15 hours per week of training for 4 months.

The 1997 Antidiscrimination Act builds upon the provisions of the 1990 Equal Rights Act. The two laws provide a strengthened framework under which women and minorities may seek redress for discriminatory acts or practices. However, no case ever has been tried under the Equal Rights Act, and critics of the Antidiscrimination Act claim that it is unlikely to be effective since the act places enforcement responsibilities on the overburdened Chief Labor Officer.

The law protects women's property rights in common-law marriages and entitles a woman who separates or

divorces to one-half the couple's property if she had been working and one-third of the property if she had been a housewife. Divorce by consent remains illegal. The courts may overturn a husband's will in the event that it does not provide for his wife, as long as she was dependent on him for financial support.

#### Children

Children are affected more severely by the country's poverty than any other group. One-third of the population is under 18 years of age and, although the Government provides free education through secondary school (it is compulsory until age 14), the severe deterioration of the public education and health care systems has limited children's future prospects. The public health system is inadequate, and private health care is unaffordable for many children. Children often do not attend school because their families need them to contribute to the household by working or providing child care for siblings or younger relatives (see Section 6.d.).

Concern continues to rise over the effects of domestic violence on children. It is unclear how many deaths from child abuse take place, since law enforcement officials believe that the vast majority of criminal child abuse cases are unreported. In June the Welfare Section of the Georgetown Education Department stated that reports of physical and sexual abuse of children were on the rise, with an average of two to three cases per month in the capital city alone. The NGO H&S reported that 6.5 percent of its cases between November 1995 and February involved child abuse. There are no law enforcement investigative procedures in place to determine if abuse or parental incapacity were the true causes of death in some cases of the 400 children under the age of 5 who die each year, deaths that usually are ascribed to malnutrition or disease. Media reports of rape and incest further indicated that violence against children is a significant problem. The Domestic Violence Act allows police officers or social workers to file an application on behalf of an abused child. However, there is a lack of social services or trained experts to assist children fleeing sexual, physical, or emotional abuse. Many children suffer from neglect or abandonment, particularly when from 1 to 2 percent of the adult population emigrates each year, often leaving children behind.

UNICEF has criticized the practice in which girls trade sexual favors for money, gifts, or help in employment or higher education, a practice sometimes condoned by their parents yet obscured by cultural norms. In a related practice, parents demand monetary compensation following the rape of a teenage daughter.

In June one student suffered a broken collar bone and another a broken elbow as a result of flogging by their teachers, a form of corporal punishment in public schools. Both teachers involved in the incidents returned to work pending investigations. The Ministry of Education responded to these incidents with a 30-point program intended to phase out corporal punishment in schools.

#### Persons with Disabilities

There is no law mandating provision of access for persons with disabilities, and the lack of appropriate infrastructure to provide access to both public and private facilities makes it very difficult to employ persons with disabilities outside their homes. In 1997 Parliament passed a law establishing a council for persons with disabilities, which functioned throughout the year. There are several special schools and training centers for persons with disabilities, but the facilities lack trained staff and are in disrepair.

#### Indigenous People

The Amerindian population, which consists of nine tribal groups, constitutes an estimated 8 percent of the population. Most live in reservations and villages in remote parts of the interior. Their standard of living is much lower than that of most citizens and their ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources is limited. Access to education and health care in Amerindian communities is limited severely.

Amerindian life is regulated by the Amerindian Act, legislation dating from colonial times designed to protect indigenous people from exploitation. Under the act, the Government may determine who is an Amerindian and what is an Amerindian community, appoint Amerindian leaders, and annul decisions made by Amerindian councils. It also prohibits the sale of alcohol to Amerindians and requires government permission before any Amerindian may accept formal employment; however, these provisions are not enforced. Both Amerindian individuals and groups remain free to criticize the Government. In 1998 the Ministry of Amerindian Affairs admitted that the Amerindian Act was antiquated and expressed a commitment to update it, although it has taken no action to do so.

The Government has long maintained that it is committed to demarcating lands that traditionally have been the home of Amerindians. However, the Government holds title to almost all the country's land and is free to act as

it wishes without consultation. The Government identified a total of 75 villages, and reported that it successfully demarcated the lands of 11 Amerindian communities in 1998. The Ministry of Amerindian Affairs claimed that, in close consultation with Amerindian leaders, it would demarcate a total of 40 additional villages by the end of 1999; however, while a handful of village leaders have accepted these new titles, most leaders rejected the demarcations. Local Amerindian NGO's regarded government consultations as mere public relations exercises and demarcation as a means of confining Amerindian communities so that the remaining areas that Amerindians considered to be their land could be offered as concessions to miners and loggers. (Most of the titles to demarcated land were granted decades ago under the Amerindian Act and did not allow for the growth of Amerindian communities.) The Amerindian NGO's claim that Amerindian leaders were not consulted properly and were pressured into uninformed decisions. The Government maintained that it would consider granting additional land rights to those communities that agreed to have their lands demarcated in 1999, but it has not yet taken action to do so.

In March 2000, the U.N. Human Rights Committee expressed regret that the Government had not yet amended the Amerindian Act and expressed concern that Amerindians did not enjoy fully the right to equality before the law. The Committee especially was concerned that the right of Amerindians to enjoy their own culture was threatened by logging, mining, and delays in the demarcation of their traditional lands, and that in some cases insufficient land is demarcated to enable them to pursue their traditional economic activities.

#### National/Racial/Ethnic Minorities

Longstanding ethnic tensions, primarily between citizens of African descent and those of South Asian origin, continued to influence society and political life. Racial grouping of social and political organizations has polarized society along ethnic lines, and discrimination and exclusion continue to occur. Members of both the largely Indo-Guyanese PPP and the largely Afro-Guyanese PNC engaged in rhetorical and propaganda attacks that fueled racial tensions.

The civil service and defense and police forces overwhelmingly are staffed by Afro-Guyanese. Recruitment efforts targeted at Indo-Guyanese candidates for the uniformed services generally have met with an unenthusiastic response, with most qualified Indo-Guyanese candidates opting for a business or professional career over military, police, or public service. However, in the aftermath of the 1997 and 2001 national elections, the Government continued efforts to recruit Indo-Guyanese for the security forces. The Government also sponsored various forums for discussion of racial problems and to promote inclusion, and it supports the work of NGO's that deal with these concerns.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the right of association and specifically enumerates workers' rights to form or belong to trade unions. The Trade Unions Recognition Law, which requires employers to recognize the union chosen by a majority of the workers, came into effect in 1999; however, implementation has been slow. The Trade Unions Recognition Board, created by this act, has not granted recognition to any new unions; it issued recommendations to recertify existing unions that previously had represented workers, but the process was delayed.

Approximately 32 percent of the work force is unionized. Most union members work in the public sector and in state-owned enterprises. Organized labor freely associates in the major national federation, the Guyana Trades Union Congress (TUC), which is composed of 22 unions. There is a tradition of close ties between the trade union movement and political parties. Historically, the two major political parties have wielded significant influence over the leadership of several unions, and trade union officials often served in dual roles as party officials. This arrangement occasionally led to overt politicization of labor issues. For example, efforts to negotiate a new contract between the Government and the Guyana Public Service Union (GPSU) have been deadlocked amid allegations of bad faith that have distinct political and racial overtones. The GPSU is largely Afro-Guyanese and the governing PPP is largely Indo-Guyanese.

The law provides workers with the right to strike. Strikes may be declared illegal if the union leadership did not approve them, or they did not meet the requirements specified in collective bargaining agreements. Public employees providing essential services may strike if they provide the proper notice to the Ministry of Labor and leave a skeleton staff in place. There is no law prohibiting retaliation against strikers or antiunion discrimination by employers. However, this principle always is included in the terms of resumption after a strike. The Trade Unions Recognition Law defines and places limits on the retaliatory actions employers may take against strikers. Arbitration rulings, when agreed to by the contending parties, are legally enforceable.

In May 2000, workers at the Forestry Commission went on strike. They were attempting to obtain recognition of their union, but 10 union branch chiefs were dismissed and have not been paid the severance package due to them.

In 1999 following a civil service strike, an arbitration panel awarded government workers an across-the-board 31 percent pay increase for 1999, an additional 26 percent increase in 2000, and step increases. While the Government has paid the annual increases, it has not agreed to implement step increases; pay increases must be negotiated annually. In August 2000, the GPSU proposed a minimum wage increase of 35 percent for the following year and 28 percent for 2002. In July the GPSU accused the Public Service Management (PSM) of delaying the wage increase negotiations, accusations the PSM denied.

Unions and their federations freely maintain relations with recognized international trade union and professional groups. All three of the major international trade union federations have affiliates in the country.

#### b. The Right to Organize and Bargain Collectively

Public and private sector employees possess and utilize the right to organize and to bargain collectively. The Ministry of Labor certifies all collective bargaining agreements and has never refused to do so. Individual unions directly negotiate collective bargaining status, pursuant to the 1993 repeal of a regulation that required that all collective bargaining be negotiated through the GTUC. Unions are dissatisfied with a provision that grants the Ministry of Finance veto power over wage contracts negotiated by other ministries. The Chief Labor Officer and the staff of the Ministry of Labor provide consultation, enforcement, and conciliation services.

There is no law prohibiting antiunion discrimination by employers.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there is no indication that it occurs. The Government prohibits forced or bonded labor by children and generally enforces this prohibition effectively.

#### d. Status of Child Labor Practices and Minimum Age for

##### Employment

The Factories Act and the Employment of Young Persons and Children Act set out minimum age requirements for employment of children; however, according to UNICEF, child labor in the informal sector is a problem and it is common to see very young children engaged in street trading in the capital. Legally, no person under age 14 may be employed in any industrial undertaking and no person under age 16 may be employed at night, except under regulated circumstances. The law permits children under age 14 to be employed only in enterprises in which members of the same family are employed.

On January 15, the Government ratified the International Labor Organization's Convention 182 on elimination of the worst forms of child labor. While the Ministry of Labor recognizes that child labor exists in the informal sector, it does not employ sufficient inspectors to enforce existing laws effectively. The practice of teenage girls trading sexual favors for money is a problem (see Section 5). The Government prohibits forced or bonded labor by children and generally enforces this prohibition effectively (see Section 6.c.).

#### e. Acceptable Conditions of Work

The Labor Act and the Wages Councils Act allow the Labor Minister to set minimum wages for various categories of private employers. However, there is no legislated private sector minimum wage. As a result of the civil service arbitration ruling in 1999 (see Section 6.a.), the minimum public sector wage increased to \$104 (G\$19,000) per month. Although enforcement mechanisms exist, it is difficult to put them into practice, and unorganized workers, particularly women and children in the informal private sector, often are paid less than what is required legally. The legal minimum wage for the public sector is insufficient to provide a decent standard of living for a worker and family.

The Shops Act and the Factories Act set hours of employment, which vary by industry and sector. In general work in excess of an 8-hour day or a 44-hour week requires payment of an overtime rate. However, if the initial

contract stipulates a 48-hour workweek, then the overtime rate applies only for hours worked in excess of 48 hours. The law does not require at least a 24-hour rest period each week.

The Factories Act also establishes workplace safety and health standards. The Ministry of Labor implemented programs in the workplace to promote HIV/AIDS awareness and provide information on related health issues in order to combat discrimination. The Occupational Health and Safety Division of the Ministry of Labor is charged with conducting factory inspections and investigating complaints of substandard workplace conditions. As with its other responsibilities, inadequate resources prevented the Ministry from effectively carrying out this function. Workers cannot remove themselves from dangerous work situations without jeopardizing continued employment.

f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and there were occasional reports of trafficking in persons of Chinese and South Asian origin, who would immigrate illegally to the United States under conditions amounting to debt bondage. Persons providing fraudulent documents for the purpose of facilitating illegal immigration can be charged with obtaining money under false pretenses, which carries a small fine and a 6-month prison sentence. Some fraud cases were prosecuted during the year.